

**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION**

IN THE MATTER OF:)	DIVISION OF WATER
)	POLLUTION CONTROL
THE WOODLANDS OF KNOXVILLE II, LLC,)	
DOVETAIL BUILDERS, INC.,)	
and)	Case No. WPC07-0181
BLOUNT EXCAVATINE, INC.)	
)	
Respondents)	

PETITION FOR REVIEW AND HEARING

Pursuant to the Tennessee Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.*, and the Tennessee Water Quality Control Act, T.C.A. §§ 69-3-101, *et seq.* (the “Act”), including in particular §§ 69-3-109, 69-3-110, 69-3-115 and 69-3-116, Petitioner, **Blount Excavating, Inc.**, hereby objects to the Commissioner’s Order and Assessment, Case NoWPC-07-0181, dated November 14, 2007 (the “Order”), appeals the Order and the assessments and orders contained therein, and requests a hearing on this matter before the Tennessee Water Quality Control Board.

Petitioner seeks review of the assessment of civil penalty assessed in the Order on the grounds that (a) certain of the facts and violations alleged in the Order are in error, (b) in light of all relevant facts and circumstances, (i) the civil penalty assessed in this matter is unreasonable and excessive, and (ii) the factors that may be considered under T.C.A. §69-3-115(a)(3) when assessing a civil penalty do not support the imposition of this civil penalty, and (c) the Order cites various alleged violations without distinguishing between which are alleged to have been committed by Petitioner and which by the other respondents, and assesses a single penalty jointly

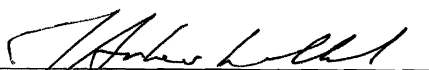
against the two when in fact the responsibilities and actions in this matter, including the factors that may be considered under T.C.A. §69-3-115(a)(3) when assessing a civil penalty, are different for these two entities.

The foregoing is not an exhaustive list of the grounds and reasons for Petitioner's objections to the assessment of the civil penalty assessed by the Order. Petitioner reserves the right hereafter to raise additional grounds and reasons by amendment of this Petition or otherwise.

Pursuant to the Act, Petitioner is not required to state grounds and reasons for its objections to orders for corrective action or assessment of damages to the state. Petitioner reserves the right hereafter to raise grounds and reasons for such objections by amendment of this Petition or otherwise.

DATED this 14th day of December, 2007.

Respectfully Submitted,


J. Andrew Goddard (BPR #6299)
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(615) 742-6224

Attorneys for Petitioner,
Blount Excavating, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by hand delivery upon James H. Fyke, Commissioner of the Tennessee Department of Environment and Conservation, c/o Division of Water Pollution Control, 6th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534 and by mail at c/o Office of General Counsel, 20th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243, on the 14th day of December, 2007.


J. Andrew Goddard

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